

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____ KEITH NASS	)	
	)	
Petitioner,	)	
	)	Civil Action
v.	)	No. 04CV40105-JLT
	)	
DAVID L. WINN, WARDEN, F.M.C. DEVENS,	)	
	)	
_____ Respondent.	)	

**RESPONDENT, DAVID L. WINN'S MOTION FOR AN EXTENSION UNTIL AUGUST  
23, 2004 TO ANSWER OR OTHERWISE RESPOND TO THE PETITION**

Respondent, David L. Winn, hereby moves for an extension until August 23, 2004, to answer or otherwise respond to the instant Petition.

The instant Petition involves allegations that Bureau of Prisons regulations governing the calculation of good time credits are invalid. On June 23, 2004, the United States Attorney's Office was served with a copy of the Petition, along with an order directing that an answer be filed within twenty (20) days.

Counsel for the respondent believes this to be an action that may be appropriately resolved by way of a dispositive motion and the extension requested is reasonably necessary to prepare a responsive pleading. Moreover, the request is in accord with Fed. R. Civ. P. 12(a)(3)(A), which ordinarily allows the United States sixty (60) days in which to answer.

Wherefore, the Respondent, David L. Winn, requests that this Court allow an extension, until August 23, 2004, to answer or otherwise respond to the Petition.

Respectfully submitted,

MICHAEL SULLIVAN  
United States Attorney

By: /s/ Mark J. Grady  
Mark J. Grady  
Assistant U.S. Attorney  
John J. Moakley Courthouse  
One Courthouse Way, Suite 9200  
Boston, MA 02210  
(617) 748-3136

CERTIFICATE UNDER L.R. 7.1

The respondent takes the position that L.R. 7.1 requires “counsel” to confer and is not applicable where, as here, the opposing party is *pro se*. Alternatively, because Petitioner is a prisoner currently incarcerated in a federal correctional facility, counsel for the Respondent respectfully requests leave to file this Motion without a 7.1 conference.

/s/ Mark J. Grady  
Mark J. Grady  
Assistant United States Attorney

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that on this \_14<sup>th</sup> day of July, 2004 service of the foregoing Motion has been made upon the Petitioner Keith Nass, Federal Medical Center-Devens, PO Box 879, Ayer, MA 01432 by depositing a copy in the United States mail, postage prepaid.

/s/ Mark J. Grady  
Mark J. Grady  
Assistant United States Attorney

